

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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PHILIPS MEDICAL CAPITAL, LLC,

Plaintiff,

No. C 06-04470 JSW

v.

MEDICAL INSIGHTS DIAGNOSTICS
CENTERS, INC., et al.,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

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AND RELATED CROSS COMPLAINT

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This matter is set for hearing on December 15, 2006, on third-party defendant Phillips Medical Systems North America's ("PMS") motion to dismiss the third-party claims filed by defendant Medical Insights Diagnostic Centers, Inc. ("MIDC"). The Court HEREBY ORDERS that MIDC's opposition shall be due by October 17, 2006. PMS's reply shall be due by October 24, 2006.

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The Court has reviewed Magistrate Judge Brazil's Report and Recommendation re Motion for Determination of the Amount of Plaintiff's Undertaking Required Pursuant to CCP § 515.010 Prior to Issuance of Writ of Possession. The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the Court ORDERS:

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- (1) The Clerk of the Court should promptly issue the writ of possession for the MRI equipment;
- (2) Plaintiff's requirement to file an undertaking is waived; and

1 (3) Defendants may file an undertaking in the amount of \$375,000 in order to keep or regain
2 possession of the MRI equipment.

3 **IT IS SO ORDERED.**

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5 Dated: April 20, 2007

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Jeffrey S. White

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE